

Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of the Commission's Rules )  
With Regard to the 3650-3700 MHz )  
Government Transfer Band )

ET Docket No. 98-237

**REPLY COMMENTS OF AT&T CORP.**

AT&T Corp. ("AT&T") hereby submits its Reply Comments in response to the Commission's Notice of Proposed Rule Making and Order ("Notice") in the above-captioned proceeding.<sup>1</sup>

The Commission proposes to reallocate the 3650-3700 MHz frequency to non-Government fixed service ("FS") on a primary basis,<sup>2</sup> grandfather existing fixed satellite service ("FSS")<sup>3</sup> earth stations, and freeze the current FSS utilization of this band by no longer accepting license applications for new earth stations, major amendments to pending

<sup>1</sup> *Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band*, ET Docket No. 98-237, Notice of Proposed Rulemaking, FCC 98-337, (rel. December 18, 1998) ("Notice").

<sup>2</sup> Fixed service is defined as a radiocommunication service between specified fixed points. See Notice at n.1. The 3650-3700 MHz band currently is allocated for government radar operations and unused commercial radar allocation in the United States. The frequency band is also allocated for non-government international inter-continental fixed satellite service ("FSS" or "extended C-band"). *Id.* at ¶ 8. Currently, only INTELSAT and INMARSAT use this band for their space-to-earth downlinks. *Id.* at n.12.

<sup>3</sup> Fixed satellite service is defined as a radiocommunication service between earth stations at given points, when one or more satellites are used. See Notice at n. 6.

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earth station facilities applications, or applications for major modifications to existing earth station facilities.<sup>4</sup>

AT&T concurs with many commenters that support the Commission's efforts to foster the provision of a wider range of commercial services over this spectrum.<sup>5</sup> As the Commission recognizes, reallocation of the 3650-3700 MHz band for non-government fixed service encourages the use of this spectrum for the provision of "a broad range of new mixed point-to-point and point-to-multipoint services, directly linking residences, businesses and other fixed locations to an ever-developing array of networks."<sup>6</sup> Reallocation of the 3650-3700 MHz band may offer an alternative means of providing basic telephone service facilities, for example. The proposed reallocation also may be used for broadband access to the Internet, which, as the Commission recognizes, would further the general objectives of encouraging competitive, advanced telecommunications capability.<sup>7</sup>

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<sup>4</sup> Notice at ¶¶ 13-14. The Commission also proposes to delete the majority of the existing government and non-government radiolocation service allocations from the 3650-3700 MHz band. *Id.* at ¶ 2. Radiolocation service is defined as radiodetermination used for purposes other than those of radionavigation. Radiodetermination is the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves, e.g. radar. *Id.* at n. 6.

<sup>5</sup> *See, e.g.*, Comments of Lucent Technologies at 1-2; SBC Communications Inc. at 1-2; Northern Telecom Inc. at 2, 15; National Telephone Cooperative Association at 2-3; SR Telecom Inc. at 4; Telephone and Data Systems, Inc. at 2; Transcom, Inc. at 2; Motorola at 1; Rural Telecommunications Group at 3-5; and Cheyenne River Sioux Telephone Authority at 1, 3.

<sup>6</sup> Notice at ¶ 1.

<sup>7</sup> Notice at ¶ 6 and n. 23.

While AT&T supports the Commission's proposal to grandfather the existing U.S. earth stations licensed to operate in the band, AT&T shares the concern expressed by a number of commenters, however, with the current freeze on FSS applications for use of the 3650-3700 band and the proposed prohibition of any additional FSS licensing in this band.<sup>8</sup> As described below, because of the potential unavailability of the required satellite transponder capacity, the proposed reallocation and freeze is likely to foreclose the expanded use of space segment capacity that is extremely important to AT&T and other U.S. earth station operators.

AT&T, therefore, urges the Commission to permit sharing of the 3650-3700 frequency band for the provision of fixed service as well as fixed satellite service. AT&T also recommends that the Commission develop appropriate interference criteria and coordination procedures to prevent harmful interference between FS and FSS provisioned in the 3650-3700 frequency band.

**I. EXISTING FSS EARTH STATIONS SHOULD BE GRANDFATHERED AND THE DEVELOPMENT OF NEW OR MODIFIED EARTH STATION FACILITIES SHOULD BE PERMITTED.**

AT&T supports the Commission's proposal to grandfather existing FSS earth stations. The Commission has long recognized the demand for FSS and granted FSS use of the 3650-3700 MHz band in 1984, to accommodate the projected commercial FSS needs.<sup>9</sup>

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<sup>8</sup> See, e.g., Comments of Comsat at 6-7; Globcast North America Incorporated at 2; New Skies Satellites N.V. at 4-6; Satellite Industry Association at 2-3; and Sprint Corporation at 2-4.

<sup>9</sup> Notice at ¶ 3.

Since then, the Commission has licensed 65 earth stations, which access FSS satellites using extended C-band capacity.<sup>10</sup>

Grandfathering the existing earth stations is essential for continuity of service to U.S. users. Unless existing earth stations are grandfathered, U.S. service providers such as AT&T would be unable to satisfy the demand for international downlink capacity. AT&T further agrees with Comsat's recommendation (p.6, n.2) that "[t]he grandfathered licensees should retain the right to operate on any frequency within the 3650-3700 MHz band in either sense of polarization. This is necessary so that existing services can be transitioned from older satellites to replacement satellites that were designed with the intention of operating in the band in either sense of polarization." AT&T accordingly supports the Commission's proposal to grandfather existing earth station licenses and opposes any recommendation to remove FSS allocation in the 3650-3700 MHz band.

AT&T opposes, however, both the current freeze on FSS applications seeking to use the 3650-3700 MHz band and the Commission's proposal to prohibit any additional licensing for FSS. The effect of the freeze and the Commission's proposal would be to force any currently licensed earth stations that are not grandfathered and any newly licensed earth stations to operate on FSS frequency bands other than the 3650-3700 MHz band. While FSS earth station operators may obtain licenses from the Commission to operate on alternative frequency bands, they may not be able to obtain the corresponding satellite transponder capacity on those frequencies necessary to provision these services.<sup>11</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> Provisioning of the FSS type services requires that the corresponding satellite transponders be assigned the same frequency bands.

AT&T shares Comsat's concern (p. 7) that "[a]ny U.S. earth station not grandfathered and any new stations would not be able to access the satellite capacity assigned in transponders covering the 3650-3700 MHz band with zone and hemispherical antenna coverage for reception in the United States." This concern arises because the space segment capacity of satellite transponders allocated to operate in the extended C-band cannot be utilized with earth stations assigned different frequency bands. These earth stations can be used only where there is sufficient capacity on satellite transponders that utilize the same alternative FSS frequency bands assigned to the earth station.

Therefore, the Commission should grandfather existing earth station licenses and remove the freeze on any future earth station applications to provide FSS using extended C-band capacity.

**II. THE COMMISSION SHOULD DEVELOP APPROPRIATE INTERFERENCE CRITERIA AND COORDINATION PROCEDURES TO PREVENT HARMFUL INTERFERENCE BETWEEN FS AND FSS.**

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AT&T urges the Commission also to consider the possibility of harmful interference between fixed services and fixed satellite services facilities for in-band (3650-3700 MHz) and adjacent-band (3700-4200 MHz) levels and recommends that the Commission develop appropriate interference criteria and coordination procedures. For example, the establishment of appropriate power levels should be explored, and perhaps lower limits than those for PCS should be adopted, as suggested by Lucent (p. 8), to reduce the possibility of interference.

AT&T agrees with Comsearch (p. 6) that coordination is necessary to "allow licensees maximum flexibility while minimizing occurrences of harmful interference." As noted by Comsat (p. 8), "appropriate interference criteria and coordination procedures can be

developed that would protect existing earth stations from harmful interference while allowing the fixed services type services to grow within the band."

**CONCLUSION**

AT&T supports the Commission's initiative to encourage the development of broadband capabilities, but urges the Commission to permit shared use of the 3650-3700 MHz band for both FS and FSS provisioning by grandfathering existing earth station licenses, removing the freeze on new FSS applications to use the extended C-band, and implementing the necessary coordination to prevent in-band and adjacent band interference.

Respectfully submitted,



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Dated: March 1, 1999

## **CERTIFICATE OF SERVICE**

I, Margaret Brue, do hereby certify that on this 1<sup>st</sup> day of March, 1999, a copy of the foregoing "Reply Comments of AT&T Corp." was served by U.S. first class mail, postage prepaid, on the following parties:

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